

## **Assembly Bill No. 217**

### **CHAPTER 36**

An act to amend Section 349 of the Welfare and Institutions Code, relating to juvenile law.

[Approved by Governor July 2, 2015. Filed with Secretary of State July 2, 2015.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 217, Maienschein. Juvenile law: hearings.

Existing law entitles a minor who is the subject of a juvenile court hearing to be present at that hearing. Under existing law, the court is required to allow the minor, if he or she so desires, to address the court and participate in the hearing.

This bill would require the court to inform the minor, if the minor is present at the hearing, of his or her right to address the court and participate in the hearing.

*The people of the State of California do enact as follows:*

SECTION 1. Section 349 of the Welfare and Institutions Code is amended to read:

349. (a) A minor who is the subject of a juvenile court hearing, and any person entitled to notice of the hearing under Sections 290.1 and 290.2, is entitled to be present at the hearing.

(b) The minor and any person who is entitled to that notice has the right to be represented at the hearing by counsel of his or her own choice.

(c) If the minor is present at the hearing, the court shall inform the minor that he or she has the right to address the court and participate in the hearing and the court shall allow the minor, if the minor so desires, to address the court and participate in the hearing.

(d) If the minor is 10 years of age or older and he or she is not present at the hearing, the court shall determine whether the minor was properly notified of his or her right to attend the hearing and inquire whether the minor was given an opportunity to attend. If that minor was not properly notified or if he or she wished to be present and was not given an opportunity to be present, the court shall continue the hearing to allow the minor to be present unless the court finds that it is in the best interest of the minor not to continue the hearing. The court shall continue the hearing only for that period of time necessary to provide notice and secure the presence of the child. The court may issue any and all orders reasonably necessary to ensure that the child has an opportunity to attend.

(e) Nothing in this section shall prevent or limit any child's right to attend or participate in the hearing.

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